THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24498 OF 2005

Date:30.11.2005

Between:

Kum.P.Vijaya

… Petitioner

AND

The Registrar and another

… Respondents

ORDER:

The petitioner is a student of M.C.A. She completed the study of two years (four semesters). In the first semester, she cleared four subjects, but failed in three. In the second semester, she cleared all the seven subjects. In the third semester, she had one backlog. By the time she appeared in the fourth semester, she had four backlogs. Her grievance is two fold, namely, that the respondents are not permitting her to take the internal examination in the subjects of first semester, in which she failed and that they are not promoting her to the third year. She placed reliance upon the Rules framed by the University and asserts that she is entitled to appear in the internal examinations also and be promoted to the third year.

In the counter-affidavit filed on behalf of the respondents, it is stated that in view of the Rules framed by the University, the petitioner can appear in all the internals where she secured less than 50% marks, subject to payment of requisite fee and that she is not entitled to be promoted to the third year (fifth semester), since she had five backlogs as of now.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

So far as the first part of the grievance is concerned, Rule 4.5 of the J.N.T. University Academic Regulations is clear to the effect that in case a student had secured less than 50% in the sessionals and had failed in the end examination, he or she shall be entitled to re-appear in the internals also. In the first semester, the petitioner secured less than 50% marks in the internals in the subjects of C. Programming and Discrete Structures & Grahph Theory. Therefore, she would be entitled to appear in the internal examination for those subjects, while appearing for the end examination. In the subject of Probability and Statistics, she secured 20 internal marks, but she failed in the end examination. Since she secured less than 50% marks, she would not be entitled to appear in the internal examination.

So far as the promotion to the fifth semester is concerned, there is a clear prohibition against it, if a candidate has four backlogs. Therefore, the petitioner cannot be promoted to the third year (fifth semester).

For the foregoing reasons, the writ petition is disposed of directing that the petitioner shall be entitled to appear in the internal examinations in her backlog subjects where she has secured less than 50% on the earlier occasion along with the end examination.

_____ 30.11.2005

Note: Issue C.C. in three days.

(B/o)

kdl